

REMARKS/ARGUMENTS

Responsive to the Office Action of April 25, 2006, Applicant requests reconsideration for allowance of Claims 1 through 17 in accordance with the amendments set forth herein.

In particular, Claim 1 has been amended to recite, in a method for acquiring and distributing natural gas, the additional step of assessing the risk of receiving payment from a utility by the intermediary entity that is financing the purchase of gas from a gas producer and to be distributed by a utility.

In the Office Action, the Examiner rejected Claims 1 through 3, 6, 14, 15 and 17 under 35 U.S.C. 103(a) over the teaching of U.S. Patent 5,794,212 to Mistr, Jr. in view of U.S. Patent 5,974,403 to Takriti and further in view of U.S. Patent 3,661,542 to Collins. Contrary to the electricity distribution processes described in the Mistr, Jr. reference and the electricity trading and forecasting tool described in the Takriti reference, the steps of Claim 1 herein set forth a patentably distinct method which deals with determining a quantity of natural gas to be purchased based on certain parameters, acquiring funds to pay for the gas, providing payment by an intermediary entity for the gas and taking title to the gas by the entity, carrying out one of transporting the gas to a storage facility and identifying the gas at a storage facility, determining gas deliverability capacity of the storage facility by certain measurements including gas pressure to provide for scheduling repayment or rollover of debt, assessing the risk of receiving payment from the utility based on selected parameters, collecting payments by the intermediary entity and conducting one of repayment and rollover of debt instruments.

As pointed out above, neither Mistr, Jr. nor Takriti disclose or suggest a process which pertains to a product even similar to natural gas and the steps required in acquiring, storing and distributing gas in relatively large quantities and further including the financing thereof by an intermediary entity. The Examiner states, for example, with respect to the

step of determining a quantity of gas to be purchased based at least in part on historic demand data for gas in an area served by the utility, as required by Claim 1, that the Takriti reference discloses such steps as set forth in column 3, lines 29 through 33. However, this portion of the specification of Takriti deals with the broad description of a computer implemented process wherein spot market prices and trading transactions at different delivery points provide a decision maker with probabilistic distributions for spot prices and trading so that risk may be managed efficiently. Still further, with regard to the step in Claim 1 of providing payment for the gas by the intermediary entity, and taking title to the gas by the intermediary entity the Examiner points to the discussion in Takriti beginning on column 2, line 41 wherein it is stated that one of the "independent system operator's" (ISO) responsibility is to settle financially with parties involved with the transmitting of electric power. This clearly does not suggest the step of making a payment by an intermediary entity to a gas producer, taking title to gas and collecting payments for the gas from a utility for gas delivered to utility customers.

Still further, with regard to the step in Claim 1 of assessing the risk of receiving payment from the utility, the Examiner previously pointed to the Takriti reference at column 1, lines 18 through 21, the text of which merely provides a broad description of the invention in Takriti as being related to computer implemented forecasting tools and, more particularly, to a tool for forecasting the spot market prices of electric power and the trading transactions at different delivery points. There is clearly no description or suggestion in Takriti of the step of assessing risk of receiving payment from a utility company by an intermediary entity which will finance the purchase of the gas from a producer to be distributed by the utility.

Lastly, the Examiner has also stated that it would have been obvious to anyone of ordinary skill to utilize a third party entity for negotiation and payment processing with a

utility company whereby individual consumers can take advantage of the aggregate demand of similar consumers. Clearly, this is not the process set forth in Claim 1. Claim 1 is directed to a process of purchasing gas from a gas producer, distributing gas by a utility and the financing of such process by an intermediary entity including certain other steps unique to handling natural gas, as set forth in the claim. The process does not involve a consumer as such of the gas product. Moreover, with regard to the teaching of the Collins reference, which discloses the step of determining gas deliverability capacity of a storage facility, there is clearly no suggestion in Collins nor in Takriti to make the overall combination of steps set forth in Claim 1 by modifying the electric energy process of Mistr, Jr. Accordingly, reconsideration for allowance of Claim 1, as amended herein, is respectfully requested.

Claims 2 through 17 remain dependent directly or indirectly on Claim 1 and are believed to be patentable at least for the reasons set forth above in support of the patentability of Claim 1.

Applicant has made a further diligent effort to advance the prosecution of this application by making further amendments to the single independent claim and by pointing out with particularity herein how the claim distinguishes over the prior art. An early Notice of Allowance of Claims 1 through 17 is respectfully solicited.

Respectfully submitted,

Date: 2/28/07

Michael E. Martin
Michael E. Martin
Registration No. 24,821
Agent for Applicant

Gardere Wynne Sewell LLP
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Phone (214) 999-4052
Fax (214) 999-3052